

### REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed November 1, 2007. The status of the application is as follows:

- Claims 1-21 are pending.
- Claims 1-4, 6-7 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (US 5,754,938).
- Claims 5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al.
- Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. in view of Ludolph et al. (US 5,874,958).
- Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. in view of Window Media Player [[http://en.wikipedia.org/wiki/Windows\\_Media\\_Player](http://en.wikipedia.org/wiki/Windows_Media_Player)].

The and rejections are discussed below.

#### **The Rejection of Claims 1-4, 6-7 and 17-21 under 35 U.S.C. 102(b)**

Claims 1-4, 6-7 and 17-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. This rejection should be withdrawn because Herz et al. does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 1-4, 6-7 and 17-21.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Independent **claim 1** is directed towards a method for providing personalized news to a consumer. The method includes receiving news from a plurality of external sources, identifying a subset of the received news based on a consumer profile for the consumer, storing the identified news, prioritizing the stored news, and providing at least a portion of the prioritized news to the consumer. Herz et al. does not teach or suggest each and every one of these aspects.

First, the subject Office Action does not establish a *prima facie* case of anticipation because it does not identify which features of the prior art correspond to the claimed elements

and limitations. For instance, the Office Action does not identify which features of Herz et al. correspond to receiving news from a plurality of external sources, storing the identified news, and prioritizing the stored news. To meet the burden of establishing a *prima facie* case of anticipation, the Office must explain how the rejected claims are anticipated by pointing out where the specific limitations of the claims are found in the prior art. *Ex Parte Naoya Isoda*, Appeal No. 2005-2289, Application 10/064,508 (Bd. Pat. App. & Inter.2005).

The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (MPEP §706). The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (37 C.F.R. §1.104(c)(2)). Applicant requests allowance of claim 1 or a non-final Office Action with specific identification of each feature or element in the cited reference which is deemed to correspond to the claimed elements and limitations, and if possible the location in the cited reference where the relevant feature or element is discussed.

Next, the Office Action asserts that Herz et al. teaches identifying a subset of received news based on a consumer profile for the consumer at column 1, lines 17-18, and providing at least a portion of the prioritized news to the consumer at column 1, lines 26-33. However, the referenced sections of Herz et al. do not teach or suggest these claim aspects.

More particularly, the referenced section of Herz et al. disclose a system for customized electronic identification of target objects, such as news articles, in an electronic media environment. The system automatically constructs a “target profile” for each target object, based on the frequency with which a word appears in an article relative to its overall frequency of use in all articles. The system also automatically constructs a “target profile interest summary,” which describes a user’s interest level in various types of target objects, for each user. The system then evaluates the target profiles against the users’ target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects. (See column 1, lines 16-33). However, the referenced sections of Herz et al. do teach or suggest the subject aspects of claim 1, as purported by the Office Action, or the claim aspects that were not addressed in the rejection.

In view of the above, this rejection of claim 1 should be withdrawn.

**Claim 3**, which depends from claim 1, recites providing at least a portion of the prioritized news to the consumer comprising providing at least a portion of the prioritized news in a format specified by the consumer. The Office Action asserts that this claim aspect is taught by Herz et al. at column 32, lines 34-40. However, the reference section of Herz et al. does not teach or suggest the subject claim aspect. In contrast, the referenced section of Herz et al. relates to a network server that is configured to act as a proxy server in addition to its other functions. As disclosed in Herz et al., such a proxy server provides service to a set of users, including recording user-specific information associated with a user. This user-specific information includes a user profile and target profile interest summary for the user, as well as a list of access control instructions specified by user and a set of one-time return addresses, provided by the user, that can be used to send messages to the user without knowing user's true identity. All of this user-specific information is stored in a database that is keyed by the user's pseudonym on the proxy server. However, the referenced section of Herz et al. does not teach or suggest providing at least a portion of the prioritized news to the consumer comprising providing at least a portion of the prioritized news in a format specified by the consumer as recited in claim 3. As such, this rejection should be withdrawn.

Independent **claims 18 and 21** and **claim 19**, which depends from claim 18, recite limitations similar to those recited in claim 1. As such, the discussion of claim 1 applies *mutatis mutandis* to claims 18, 19 and 21, and the rejection of claims 18, 19 and 21 should be withdrawn.

**Claims 2, 6-7, 17 and 20** depend from claims 1 and 18, and are allowable at least by virtue of their dependencies.

**The Rejection of Claims 5 and 11-12 under 35 U.S.C. 103(a)**

Claims 5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. This rejection should be withdrawn because Herz et al. does not teach or suggest all the limitations of the subject claims and, therefore, the Office has not established a *prima facie* case of obvious with respect to the subject claims.

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To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, (CCPA 1974). “MPEP §2143.03.

**Claim 5**, which indirectly depends from claim 4, recites that the data stored in the information content matching table comprises broadcaster importance data, story depth data, and novelty data. The Office Action concedes that Herz et al. does not teach or suggest these claim aspects. In an attempt to make up for this conceded deficiency, the Office Action asserts that although Herz et al. does not disclose broadcaster importance data, it is obvious that every broadcasted piece of information is important to the broadcaster.

First, claim 5 does not recite that each piece of information is important to the broadcaster, as purported by the Office Action. Rather, claim 5 recites that the data stored in the information content matching table comprises broadcaster importance data, story depth data, and novelty data.

Next, assuming *arguendo* that claim 5 did recite the purported limitation (and it does not), it would not have been obvious that every broadcasted piece of information is important to the broadcaster. As known, broadcasters broadcast information for various reasons, including monetary, public interest, etc., and that a broadcaster may be indifferent to broadcasted information, and the broadcasted information may have no importance or relevance to the broadcaster.

Furthermore, the subject claim also includes limitations related to story depth data and novelty data, which are not addressed in the Office Action, even though claim 5 recites broadcaster importance data, story depth data and novelty data.

Since Herz et al. fails to teach or suggest the aspects of claim 5, this rejection of claim 5 should be withdrawn.

**Claims 11-12** indirectly depend from claim 1 and are allowable at least by virtue of their dependencies.

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**The Rejection of Claims 8-10 under 35 U.S.C. 103(a)**

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. in view of Ludolph et al. **Claims 8-10** indirectly depend from claim 1 and are allowable at least by virtue of their dependencies.

**The Rejection of Claims 13-16 under 35 U.S.C. 103(a)**

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. in view of Window Media Player ([http://en.wikipedia.org/wiki/Windows\\_Media\\_Player](http://en.wikipedia.org/wiki/Windows_Media_Player)). **Claims 13-16** indirectly depend from claim 1 and are allowable at least by virtue of their dependencies.

**Conclusion**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,  
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